

Notice of Allowability

Application No.

10/663,788

Examiner

Nancy Bitar

Applicant(s)

KOBAYASHI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/19/2007.
2. ☒ The allowed claim(s) is/are 1-8 and 16-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 12/09/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JOSEPH MANUCCI
SUPERVISORY PA

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1-8 and 16-23 in Paper No. 1, filed 9 January 2007 is acknowledged. Election was made **with** traverse.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joshua Povsner on 02/14/2007 to request an oral cancellation to the above restriction requirement, and resulted in the cancellation of claims 9-15.

REASONS FOR ALLOWANCE

Claims 1-8 and 16-23 are allowed .

2. The following is an examiner's statement of reasons for allowance: None of the prior art teaches or fairly suggests the claimed invention. The most pertinent prior art are Furusawa et al. (US 6,371,908), Ozawa et al (US 7,050,086), and Wang et al. (US 6,537,211). Specifically, while Furusawa et al. teaches the use of video endoscopic apparatus for fluorescent diagnosis to clearly visualize the observation image signals in an operation. Ozawa et al teaches an electronic endoscope system with a color-balance alteration process that reproduces an endoscope motion image on a TV monitor thus

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enables a clearer observation. Wang et al teaches image-processing circuits that extracts the maximum brightness level and the minimum brightness levels from all pixels of the reference and fluorescent image signal. Neither, Furusawa nor Ozawa nor Wang teaches the calculation needed for all pixels when the number of counted pixels is not larger than a predetermines threshold number or for a part of the pixels selected from the reference image when the number of counted pixels is larger than said threshold number which increase the resolution while the speed for generating the observation image signal decreases, which enables detail observation of the subject by the operator. The Examiner finds no reason or motivation to combine the above references in an obviousness rejection thus placing the application in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional art of record, not discussed hereinabove, were cited in the international search report in the International Application relied upon for priority under 35 U.S.C. § 120, and are thus made of record, but additional copies of these references are not being supplied with this action.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nancy Bitar whose telephone number is 571-270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nancy Bitar

JOSEPH MANCUSO
SUPERVISORY PATENT EXAMINER

02/14/2007